

1* District Court of the United States for the District of Columbia

Criminal No. 73806

UNITED STATES OF AMERICA

v
ROBERT FRAZIER, DEFENDANT

WASHINGTON, D. C.,

Wednesday, October 9, 1946.

The above-entitled matter came on for hearing before Associate Justice Henry A. Schweinhaut.

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PROCEEDINGS

The DEPUTY CLERK. *United States v. Robert Frazier.*

The following members of the jury panel took their seats in the jury box: Mrs. Florence H. Crawford, Charlotte E. Jones, James J. Lawlor, John C. Lazarus, William T. Mack, Mrs. Marjorie E. Merrick, George M. Montgomery, Mrs. Catherine N. Moody, Alexander Moore, William O. Parker, Walter A. Robinson, Joseph Rode.

Mrs. STILES. May it please the Court, ladies and gentlemen of the panel, the case we are about to try is one in which the defendant, Robert Frazier, is charged in the indictment with the violation of Section 2553 (a) of the Internal Revenue Code, which prohibits the purchase, sale, dispensing and distributing of certain narcotic drugs, and by the indictment he is charged with violation of this section of the Federal Code.

The defendant is seated at counsel table, and his counsel is Mr. Edward Buckley, who is seated by his side.

4 I think you know I am Mrs. Stiles, from the U. S. Attorney's office.

The Government will call certain witnesses.

Does your Honor wish me to call these witnesses at this time?

The COURT. I do not care whether you do or not. Mr. Buckley perhaps does.

Mr. BUCKLEY. I would suggest or ask that she call them.

Mrs. STILES. Very well.

Ladies and gentlemen of the panel, I wish you to look at these people as they stand: Officer Ralph W. Harper, Officer L. B. Frye, Officer W. L. Taylor, Mr. Charles W. Cannon, Mr. Raymond Holt, Mr. Ellis J. Spiker, Mr. Vernon O. Trygstad, of the Narcotic Bureau; L. Morrison, of the Narcotic Bureau, Mr. Lee E. Wardell, Mr. Guthrie L. Jones.

Neither of these witnesses is present at the present time, ladies and gentlemen of the panel, but they will be here: Mr.

Albert B. Ground, of the Federal Bureau of Investigation. Dr. Albert A. Spear.

Ladies and gentlemen of the panel, do any of you know the defendant in this case?

(No response.)

Mrs. STILES. Do any of you know Mr. Buckley, his counsel?

(No response.)

Mrs. STILES. Do any of you know me?

(No response.)

Mrs. STILES. Do you know any of these witnesses whose names I have called and who have stood or those who have not stood?

Mrs. CRAWFORD. Yes, ma'am. I know Mr. Ground.

Mrs. STILES. How do you know him? Socially or in a business way?

Mrs. CRAWFORD. Business.

Mrs. STILES. Where do you work, may I ask you.

Mrs. CRAWFORD. FBI.

Mrs. STILES. Would your working in the FBI and Mr. Ground's working in the FBI influence your decision in this case, or could you render your decision based solely upon the evidence?

Mrs. CRAWFORD. I don't believe that it would make any difference; I don't know.

The COURT. Would it embarrass you to sit in a case in which he is a witness?

Mrs. CRAWFORD. No.

The COURT. Do you think his testimony is likely to influence you more than that of some other witness?

Mrs. CRAWFORD. Well, I don't know.

The COURT. I am inclined to think that perhaps we had better excuse you for this case, because it may worry you while you are sitting in the box, and that is not a good idea.

I will excuse you without requiring a challenge.

The DEPUTY CLERK. Benjamin Root, will you take seat number one in the jury box?

Mrs. STILES. Did you hear the questions I asked of the others? Did you hear the questions which I asked about any of the parties? Do you know any of them?

Mr. ROOT. No.

Mrs. STILES. Do any of you know why you cannot sit upon this jury and render a fair and impartial verdict purely upon the evidence which is presented, applying to it the law which is given to you by His Honor?

(No response.)

Mrs. STILES. Hearing no answer to that question, I take it your answer is no.

Mr. BUCKLEY. How many of the prospective jurors are employed in the Federal Government?

(Jurors indicated by raising hands.)

7 Mr. BUCKLEY. Would any of you prospective jurors have any prejudice of any kind against any defendant who might be charged with violation of the narcotic law or the Narcotic Act?

(No response.)

Mr. BUCKLEY. Are any of you immediately related to any member of the Metropolitan Police Department or any member of the Federal Bureau of Investigation or any narcotic law enforcement officer?

(No response.)

Mr. BUCKLEY. Would any of you jurors give more weight or credence to the testimony of a police officer than you would to any other civilian?

(No response.)

Mr. BUCKLEY. I take it from your silence your answer would be no.

Mrs. STILES. The Government is satisfied with the jury.

Mr. BUCKLEY. Number 5.

The DEPUTY CLERK. William T. Mack, you are excused from serving on the panel.

Miss Mary B. Staves, will you take seat number 5 in the jury box?

Mrs. STILES. Did you hear the questions I asked the other members of the panel? Do you know any of the parties whose names I have called?

8 (No response.)

Mrs. STILES. Do you know of any reason why you cannot sit on this jury and render a fair and impartial verdict upon the evidence and the law which His Honor will give you?

(No response.)

Mrs. STILES. The Government is satisfied with the jury.

Mr. BUCKLEY. Number 7.

The DEPUTY CLERK. George M. Montgomery, you are excused from serving on this panel.

Herman F. Stames, will you take seat number 7 in the jury box?

Mrs. STILES. Did you hear the questions I asked the other members? Do you know any of the persons whose names I have called?

(No response.)

Mrs. STILES. Do you know of any reason why you cannot and should not sit upon this jury and render a fair and impartial verdict upon the evidence?

(No response.)

Mrs. STILES. The Government is satisfied.

Mr. BUCKLEY. Number 10.

The DEPUTY CLERK. William O. Parker, you are excused from serving on this panel.

James L. Davis.

Mr. DAVIS. I happen to know two gentlemen on there.

*9 The COURT. Come around, anyway. They may be very happy to have you in spite of that.

Mrs. STILES. You say you know two of the witnesses?

Mr. DAVIS. That is right.

Mrs. STILES. Which two?

Mr. DAVIS. Mr. Spiker I have worked with, and with Officer Taylor.

Mrs. STILES. Would your knowing these gentlemen influence your decision in this case?

Mr. DAVIS. Well, I would have to hear the evidence first. I would rather not be embarrassed.

Mrs. STILES. You feel you would be embarrassed.

Mr. BUCKLEY. I submit, if Your Honor please, if the gentleman might be embarrassed by a decision later, Your Honor can challenge him for cause.

The COURT. I suppose I should. All right, Mr. Davis.

The DEPUTY CLERK. Mr. Davis, you are excused from serving on this panel.

Anna S. Gorman, will you take seat number 10 in the jury box?

Mrs. STILES. Did you hear the questions I asked, Mrs. Gorman?

Mrs. GORMAN. Yes.

Mrs. STILES. Do you know any of the persons whose names I called?

10 (There was no response.)

Mrs. STILES. Do you know of any reason why you cannot render a proper verdict based on the evidence and the law?

(No response.)

Mrs. STILES. The Government is satisfied.

Mr. BUCKLEY. Do any of you jurors now impaneled have any prejudice against anyone who might be charged with a violation of the narcotic law?

(No response.)

Mr. BUCKLEY. Are any of you jurors related to any member of the Metropolitan Police Department or a narcotic agent?

(No response.)

Mr. BUCKLEY. Are any members of your immediate family employed in the Treasury Department?

Mr. BENJAMIN ROOT. My wife is in the Treasury Department.

Mr. BUCKLEY. What branch of the Treasury Department?

Mr. ROOT. Secretary's office.

Mr. BUCKLEY. Number 11.

The DEPUTY CLERK. Walter A. Robinson, you are excused from serving on this panel.

James H. Stanmore.

Mrs. STILES. Have you heard the questions I asked? Do you know any of the persons whose names I have called?

Mr. STANMORE. I know the defendant.

Mrs. STILES. Do you know him socially?

11 Mr. STANMORE. I have been knowing him for some time.

Mrs. STILES. Your Honor, I think that is cause for this man.

The COURT. I do not think that ipso facto is enough to exercise that. I do not think it is ample cause.

Do you think you can give the defendant and the Government a fair trial notwithstanding your acquaintance with the defendant in this case?

Mr. STANMORE. I can, sir.

The COURT. All right. I won't take action.

Mrs. STILES. Number 11.

The DEPUTY CLERK. James Stanmore, you are excused from serving on the jury panel.

Clarence A. Vogle, take seat number 11 in the jury box.

Mrs. STILES. Did you hear the questions I asked the other members of the panel? Do you know any of the parties whose names I have called?

(No response.)

Mrs. STILES. Do you know of any reason why you cannot sit and render a fair and impartial verdict based on the evidence and the law as given to you by your Honor?

Mr. VOGLE. No.

Mrs. STILES. The Government is satisfied.

Mr. BUCKLEY. What is your occupation?

Mr. VOGLE. I am linoleum salesman for asphalt tiling.

12 The COURT. I did not hear you. Salesman?

Mr. VOGLE. Yes, sir; for asphalt tiling.

The DEPUTY CLERK. Clarence A. Vogle, you are excused from serving on this panel.

Jason E. Barr, will you take seat number 11 in the jury box?

Mrs. STILES. Have you heard the questions I asked? Do you know any of the parties whose names I have called?

(No response.)

Mrs. STILES. Do you know of any reason why you cannot render a fair and impartial verdict based on the evidence and the law which will be given you by His Honor?

(No response.)

Mrs. STILES. The Government is satisfied.

Mr. BUCKLEY. Number 12.

The DEPUTY CLERK. Joseph Rode, you are excused from serving on this panel.

Paul D. M. Leman, take seat number 12 in the jury box.

Mrs. STILES. Did you hear the questions I asked the other members of the panel?

Mr. LEMAN. Yes.

Mrs. STILES. You saw the persons who stood and you heard the names I called. Do you know any of those parties?

Mr. LEMAN. No.

Mrs. STILES. Do you know of any reason why you cannot sit on this jury and render a fair and impartial verdict based on the evidence, applying to it the law that will be given to you by His Honor?

Mr. LEMAN. No.

Mrs. STILES. The Government is satisfied.

Mr. BUCKLEY. Number 6.

The DEPUTY CLERK. Mrs. Marjorie E. Merrick, you are excused from serving on this panel.

Margaret T. Lorenz, will you take seat number 6 in the jury box?

Mrs. STILES. Did you hear the questions I asked the other members of the panel?

MARGARET T. LORENZ. I did.

Mrs. STILES. You saw the persons who stood and whose names I called?

MARGARET T. LORENZ. Yes, ma'am.

Mrs. STILES. Do you know any of the parties that I called?

MARGARET T. LORENZ. No.

Mrs. STILES. You heard the questions that I have asked the other people sitting on this jury about rendering a fair and impartial verdict. Can you do that?

MARGARET T. LORENZ. Yes.